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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/371,212 08/10/99 KATZ

R 245/099

EXAMINER

09/371,212

000,5

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

12/05/00

LYON & LYON LLP
47TH FLOOR
633 WEST FIFTH STREET
LOS ANGELES CA 90071

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/371,212

Applicant(s)

Katz

Examiner

Stella Woo

Group Art Unit

2643

☒ Responsive to communication(s) filed on Sep 19, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 17-50 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17-50 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 17-50 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to provide enabling support for conducting commerce through an on-line system via an on-line computer service. Applicant's specification further fails to provide support for "the buyer registering with the system on-line..." as recited in claim 17.

3. Applicant's arguments filed September 19, 2000 have been fully considered but they are not persuasive.

Applicant cites various passages from the specification, such as the exchange of offers and responses and consummating transactions, as providing support for "conducting commerce...through an on-line system." However, the specification provides detail with regard to billing only in regards to communication charges incurred by the vendors and buyers (page 13, last paragraph through page 14, second paragraph). No description is provided for the actual purchase of any goods or services requested by the buyer and no provision is made as to how payment is rendered through the "on-line system." The specification describes a system which

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schedules videoconferences between buyers and vendors, allowing negotiation with regard to goods and services. However, there is no enabling support for the actual purchase of any goods and services.

Regarding the on-line registration, the specification describes a registration form which must be filled out by each vendor and buyer. However, the specification does not describe the registration form being filled out and submitted "on-line."

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 308-6306 or (703) 308-6296;

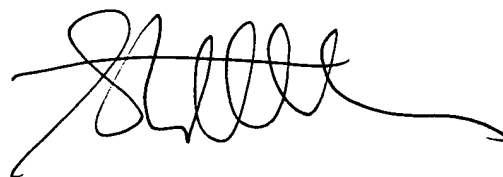
(for formal communications, please mark "EXPEDITED PROCEDURE";

and for informal or draft communications, please label "PROPOSED" or

"DRAFT").

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:00 a.m. until 2:30 p.m., Monday through Friday.

December 2, 2000

A handwritten signature in black ink, appearing to read 'Stella Woo', with a long horizontal flourish extending to the right.

**STELLA WOO
PRIMARY EXAMINER**